# LETTER OF NOBILITY IN CASTILE (1571)

MARIO SANTOS LÓPEZ[1]

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## 1. A document granting identity: the executoria of 1571

The document under study is a Letter of Nobility issued in 1571[2] by the court of the Chamber of Nobles of the Royal Chancery of Valladolid, which contains the ruling in favour of the plaintiff, recognising his status as a nobleman by birth. These types of documents, of great legal value, were the culmination of a judicial process in which the interested party had to prove his nobility before the competent authority.

The protagonist of the lawsuit is Francisco de Santos (†1591), my twelfth direct male ancestor, who appeared before the Chancery to assert his right to nobility. The ruling, recorded in the 1571 writ of execution, recognises him as a notorious nobleman, thus legitimising his status and that of his lineage.

The geographical context of the case is articulated between two significant enclaves:

A) Rabanal de los Caballeros, a district of Cervera de Pisuerga in the mountains of Palencia, appears as the place of origin of the lineage. Its documentary history dates back to *the Becerro de las Presentaciones* de la Catedral de León[3] , where the church of San Martín is mentioned as being linked to local noblemen with the surnames Gómez, Duque and López. In the *Becerro de las Behetrías de Castilla*[4] , Rabanal appears as the ancestral home of Fernando García Duque and María Díaz, reinforcing its noble character.

B) Colmenar Viejo, a municipality currently part of the Community of Madrid, was part of the County of Real de Manzanares in the 16th century, under the jurisdiction of the

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[1] Mario Santos López, historian and researcher specialising in genealogy, heraldry and noble culture in modern Europe. Member of the Royal Association of Hidalgos of Spain.

[2] This academic article is part of a line of research dedicated to the documentary and genealogical study of the Castilian nobility in the Modern Age, with special attention to the primary sources preserved in the Royal Chanceries. This essay is translation of https://doi.org/10.5281/zenodo.17454817

[3] *Becerro de las Presentaciones de León,* a medieval manuscript preserved in the Archive of the Cathedral of León, which lists the churches and parishes subject to presentation by lay and ecclesiastical patrons.

[4] *Becerro de las Behetrías de Castilla,* commissioned by Pedro I in 1352, is an essential source for the study of the feudal structure and nobility in late medieval Castile.

Duchy of Infantado. [5]On 22 November 1504, it obtained jurisdictional separation from the lordship of Manzanares, consolidating its position as an economic and administrative centre. Around 1590, it had some 1,500 inhabitants, mainly engaged in agriculture and livestock farming, and, with, a very small noble presence[6] , which makes the recognition of Francisco de Santos' nobility even more remarkable in this context.

## 2. From Rabanal de los Caballeros to Colmenar Viejo: the conflict over recognised nobility.

Don Francisco de Santos, who through marriage or inheritance moved his residence from Rabanal de los Caballeros (Palencia) to Colmenar Viejo (Madrid), faced opposition from the Council and the good men of the latter town. As he was included in the register of commoners, he was assigned a tax quota, which implied that his status as a nobleman was not recognised. When he refused to pay this tax, his clothes were taken as a guarantee of payment, which led to the opening of a lawsuit regarding his nobility before the Royal Chancery of Valladolid.

In this process, Don Francisco proved his nobility by agnatic descent—that is, through his paternal line—by proving the nobility of his father, grandfather, and great-grandfather. The writ issued in 1571 legally protected his status as a nobleman, following successive rulings handed down by the Mayors of the Hijosdalgo and confirmed by the Oidores in view and review[7] .

From the point of view of nobility, the enjoyment of nobility was exercised in the council of residence, where registration as a noble required local recognition of noble status. A change of residence, as in this case, often gave rise to conflicts, leading to the so-called "lawsuit of His Majesty's Prosecutor and good men" against those who claimed nobility in a new locality[8] .

These proceedings were brought against the Prosecutor of the Royal Court and the corresponding Council and required the presentation of documentary and testimonial evidence proving lineage, legitimacy of birth and continuity of nobility through the male line. [9][10]In the case of Don Francisco, the proceedings were initiated by power of attorney granted to his solicitor, who filed a lawsuit against the Council requesting its conviction, the restitution of the garments taken improperly, and full recognition of his honours and privileges, proper to the notorious noblemen of noble blood.

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[5] On the jurisdictional segregation of Colmenar Viejo, see: García López, J. M., *Historia de Colmenar Viejo,* Colmenar Viejo Town Council, 1998, pp. 45–48.

[6] Estimated figures according to the Catastro de Ensenada and local demographic studies. See: Martínez Sanz, F., *Demografía histórica de la Sierra de Madrid,* CSIC, 2002.

[7] On the judicial structure of the Royal Chancery and the role of the Mayors of the Hijosdalgo, see: Martínez Díez, G., *Justice in Habsburg Spain,* Madrid, Marcial Pons, 2003, pp. 215–230.

[8] The 'pleito del Fiscal' (prosecutor's lawsuit) was a common formula in nobility proceedings, in which the prosecutor acted as the opposing party in defence of the public interest. See: Pérez-Prendes, J. M., *Historia del Derecho español (History of Spanish Law),* Madrid, Complutense University, 1996, pp. 342–345.

[9] The "honours and privileges" included tax exemptions, access to council positions and social recognition. See: García Fernández, M., La *hidalguía en la Castilla moderna,* Valladolid, Junta de Castilla y León, 1999, pp. 88–

[10] .

The Court, by means of a Royal Writ of Summons, requested the presentation of the relevant evidence. Following the initial ruling by the Mayors, the commoners appealed to the Chamber of Judges, which upheld the ruling on review and subsequently on appeal, thus definitively recognising Don Francisco as a nobleman. The Executive Letter collected and transcribed the essential elements of the lawsuit, consolidating its value as a legal, genealogical and symbolic document.

## 3. Nobility in perspective: lineage, privilege and proof

The term hidalgo originated in the north of the peninsula during the Reconquista, with clear military and administrative links. In the territories initially recovered from Muslim rule, the monarchs confirmed privileges to certain individuals and lineages, thus ratifying their nobility. The terminology has been documented since the 10th century, both in foundations and in royal donations, consolidating itself as a recognised social category[11] .

Hereditary nobility is defined as nobility inherited through the male line, passed down from father to son. Its origin is linked to immemorial nobility, which was neither remembered nor documented and had to be proven through witness statements and other supporting documents. In contrast, nobility by privilege, granted by the king, could become nobility by blood after three generations of legitimate transmission[12] . The notorious nobleman was one who was publicly recognised as such by his community, which reinforced his social status.

From the *Partidas* of Alfonso X the Wise to the Confusion of States in 1834[13] , nobility by blood required documentary proof of the nobility of the father and grandfather. The difference between the two types of nobility lay in the antiquity of their origin: immemorial nobility was considered proven by the absence of memory of acquisition, while privileged nobility required three generations to consolidate itself as hereditary nobility.

Both forms—blood and institutional—were fundamental in the configuration of the Spanish Noble State during the Old Regime. Privileged nobility allowed one to attain blood nobility over time, provided that the possession and continued exercise of noble rights could be demonstrated. However, descendants who changed their place of residence had to revalidate their nobility through writs of execution in the Chancelleries and Courts in order to be registered in the Registers of Distinction of States as nobles or hidalgos[14] .

Numerous privileges of nobility were proven in lawsuits held in the Royal Chancery Courts, such as the one involving Don Francisco de Santos. Many lawsuits arose from a man's change of residence, especially when he married a woman from another neighbourhood. In such cases,

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[11] On the origin of the term "hidalgo" and its connection to the Reconquista, see: Salazar y Acha, J. A., *Lineage and Nobility in Medieval Spain,* Madrid, Fundación Cultural del Noble, 1990, pp. 27–35.

[12] Privileged nobility was regulated by various royal decrees. See: Pérez de Tudela, C., La *nobleza en la Edad Moderna (The Nobility in the Modern Age),* Madrid, Sílex, 2001, pp. 112–118.

[13] The "Confusion of States" of 1834 led to the practical abolition of the legal distinction between nobles and commoners. See: Bahamonde, A., *Spain in the 19th Century,* Madrid, Cátedra, 2005, pp. 89–91.

[14] On the registers and their function in distinguishing between states, see: García Fernández, M., *La hidalguía en la Castilla moderna (Nobility in Modern Castile),* Valladolid, Junta de Castilla y León, 1999, pp. 145–150.

it was customary for the nobleman to request recognition of his exemptions, freedoms and privileges in the new district.

The court records kept in the Chancillerías contain numerous lawsuits and judgements, in which the Mayors of the Hijosdalgo or the Oidores, after reviewing the evidence, ruled on the basis of the evidence provided. Testimonial evidence was very useful, especially when it came from elderly people who were knowledgeable about the genealogy and reputation of the litigant. Under oath, witnesses answered questions about their knowledge of the plaintiff, his age, nature, neighbourhood, filiation, and legitimacy of birth, both his own and that of his ancestors[15].

These statements allowed the litigant to be contextualised and demonstrated that his parents and grandparents had been people of recognised standing, legitimately married, and treated as nobles. The genealogy thus outlined constituted the traditional basis of nobility, based on lineage and blood.

From a documentary point of view, the plaintiff's lineage was crucial evidence, especially when there were no written records to prove filiation. In the absence of documents, oral testimony was the only recourse. It was only after the Council of Trent (1545–1563) that sacramental records—baptisms, marriages, and deaths—were established in Spanish dioceses, allowing for greater genealogical traceability[16] .

Positive acts of nobility were also considered: occupying prominent places in the church during religious ceremonies, being treated as a nobleman by other nobles, and living a life befitting one's status. Many hidalgos resided in rural areas, in houses they owned, with livestock and farmland. Their leisure activities included reading, hunting and participating in local administration, especially in the so-called Mitad de Oficios Nobles (Half of Noble Offices)[17] .

## 4. Noble memory and documentary legacy

The Carta Ejecutoria de Hidalguía (Letter of Nobility) is one of the primary documentary sources in the study of Spanish nobility, as it contains, in the form of extracts or transcriptions, the evidence presented by the litigant in relation to their genealogy, social status and coat of arms. These documents allow us to trace three fundamental coordinates: the place of origin, the judicial sphere of the lawsuit, and the new residence of the plaintiff, thus forming a cartography of identity of remarkable historical value.

Preserved in institutions such as the National Historical Archive and the Royal Chancery of Valladolid, these writs of execution are not only of great legal and genealogical interest, but also possess a documentary beauty that makes them heritage pieces of the first order. In the case

[15] See a model witness interrogation in: Archive of the Royal Chancery of Valladolid, Pleitos de Hidalguía, leg. 1234, exp. 56.

[16] On the impact of the Council of Trent on parish documentation, see: Domínguez Ortiz, A., *La sociedad española en el siglo XVII (Spanish society in the 17th century),* Madrid, Alianza Editorial, 1985, pp. 53–55.

[17] The 'Mitad de Oficios Nobles' (Half Noble Offices) were positions shared between nobles and commoners in some councils. See: Ladero Quesada, M. Á., *La ciudad medieval (The Medieval City),* Madrid, Sílex, 2002, pp. 211–213.

analysed here, the writ of execution of 1571 allows us to recover a fragment of the author's family history, projecting his noble legacy into the present.

From the point of view of nobility law, the writ is considered full proof of nobility, valid for admission to Military Orders and other noble corporations in the Hispanic world[18] . Its value transcends the legal sphere, as it becomes a testimony to social memory, lineage and the continuity of an identity inherited and recognised by the royal authority.

**Documentary Appendix**

1. Identification of the document

Date: 22 December 1571

Title (regesta): "Enforcement of the lawsuit litigated by Francisco de Santos, resident of Colmenar Viejo (Madrid), with the king's prosecutor and the council and commoners of said town, regarding his nobility"

Reference number: Register of Enforceable Judgements, Box 1222.26[19]

2. Terms of the lawsuit

2.1. Petition for lawsuit

On 8 February 1561, Don Francisco de Santos, through his attorney Juan de Paredes, requested the return of the items taken from him unlawfully, claiming his status as a nobleman by birth. He demanded to be removed from the tax rolls, to have his honours and privileges recognised, and not to be disturbed or taxed.

2.2. Request for a response

The council of Colmenar Viejo, represented by its attorney Juan de Antezana, maintained that Francisco de Santos was descended from commoners, that his ancestors had not been called to war or held noble offices, and that he was not born of a legitimate marriage.

[18] On the use of letters patent as proof of nobility in Military Orders, see: Rodríguez de la Flor, F., *La nobleza en la España moderna: símbolos, prácticas, representaciones (The Nobility in Modern Spain: Symbols, Practices, Representations),* Salamanca, Ediciones Universidad de Salamanca, 2007, pp. 173–178. It is considered full proof for admission to the Royal Association of Hidalgos of Spain.

[19] Link: https://pares.mcu.es:443/ParesBusquedas20/catalogo/description/4551246

3. First instance rulings

Two summonses are issued for the plaintiff to gather sufficient evidence: one in 1561 and another in 1569.

4. Appeal before the Chancellery of Valladolid

Date of appeal: 1569

Defendants' request: They request that the judgment be overturned, that they be acquitted of costs, and that Francisco de Santos be declared a commoner.

Evidence presented by the plaintiff: Testimony from residents of Gramedo, Rabanal de los Caballeros and Cervera de Pisuerga; tax registers; the *Libro Becerro de León*; and documents from the archives of the Count of Siruela.

Evidence presented by the defendants: No documentation provided.

5. Final judgments of the judges

5.1. Judgment (03/06/1570)

*"We rule that Francisco de Santos has properly and fully presented his case and claim. We grant, declare and pronounce his intention to be well proven [...] and declare the said Francisco de Santos to be a man of noble birth and lineage as a legitimate descendant of the ancestral home of Duque located in the town of Rabanal de los Caballeros. Therefore, we must condemn and do condemn the said Prosecutor of His Majesty and the Council, officials and good men, not to report him for taxes or coins, and to grant him all honours, privileges and executions, and to remove him from the registers of good men subject to taxation."*

5.2. Review ruling (28/09/1571)

*"Francisco de Santos ordered them to issue and deliver a writ of execution of the final judgments in view and in degree of review given and pronounced between the said parties in his favour".*

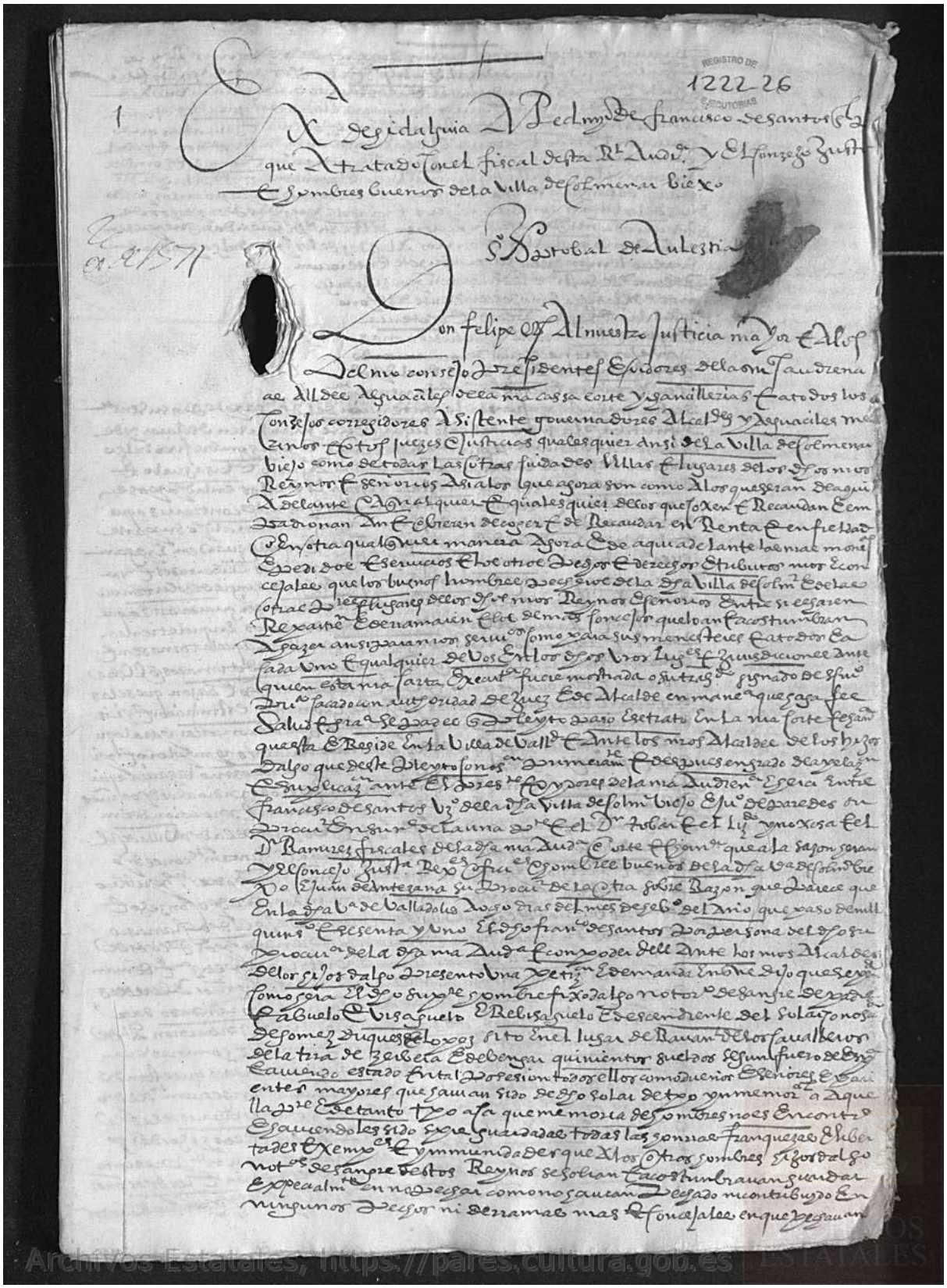


Fig. 1 Start of the lawsuit filed by Francisco de Santos before the Royal Chancery of Valladolid. The petition, the identification of the plaintiff and the legal context of the lawsuit are included. Archive of the Royal Chancery of Valladolid, 1571-12-22 p.1

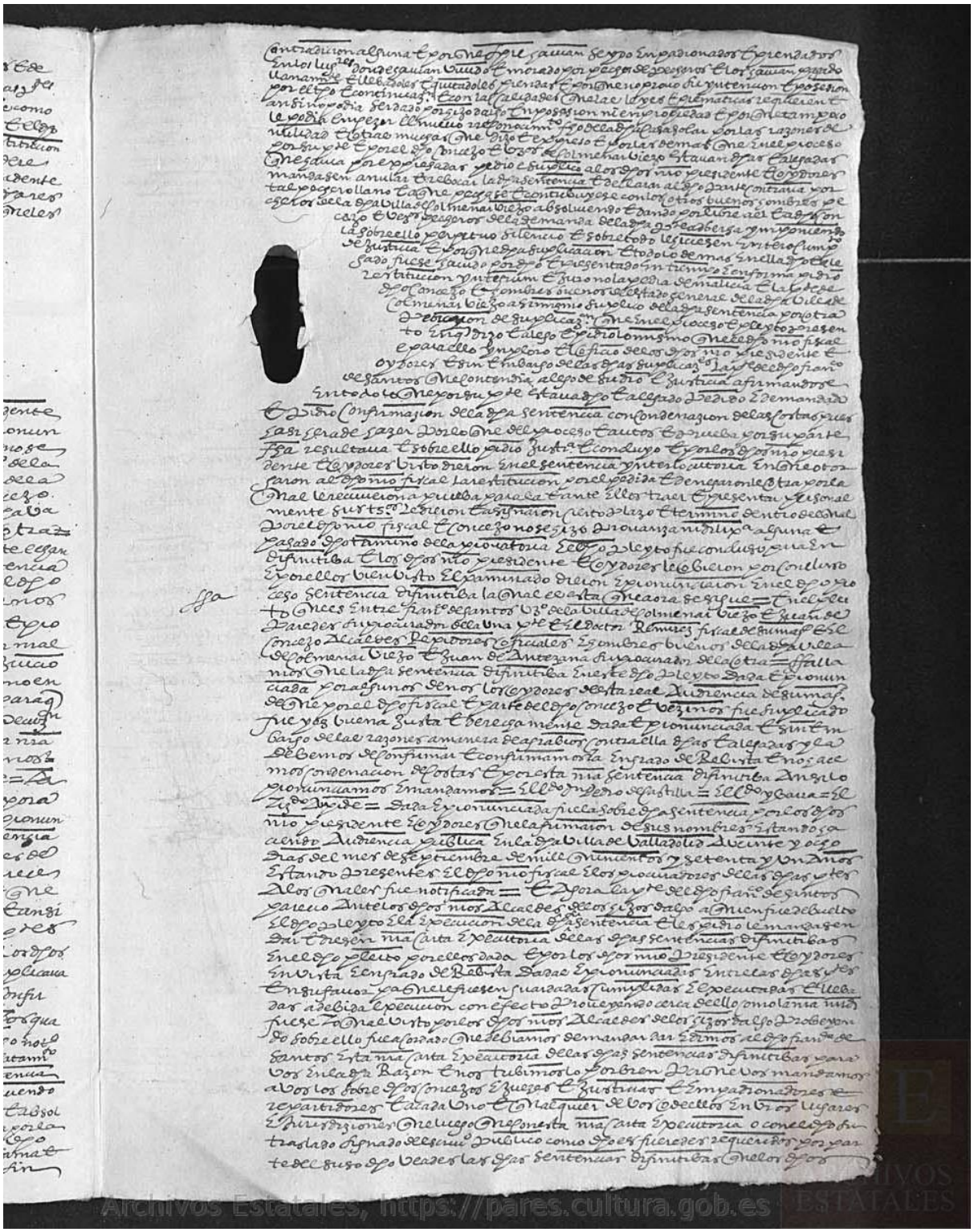
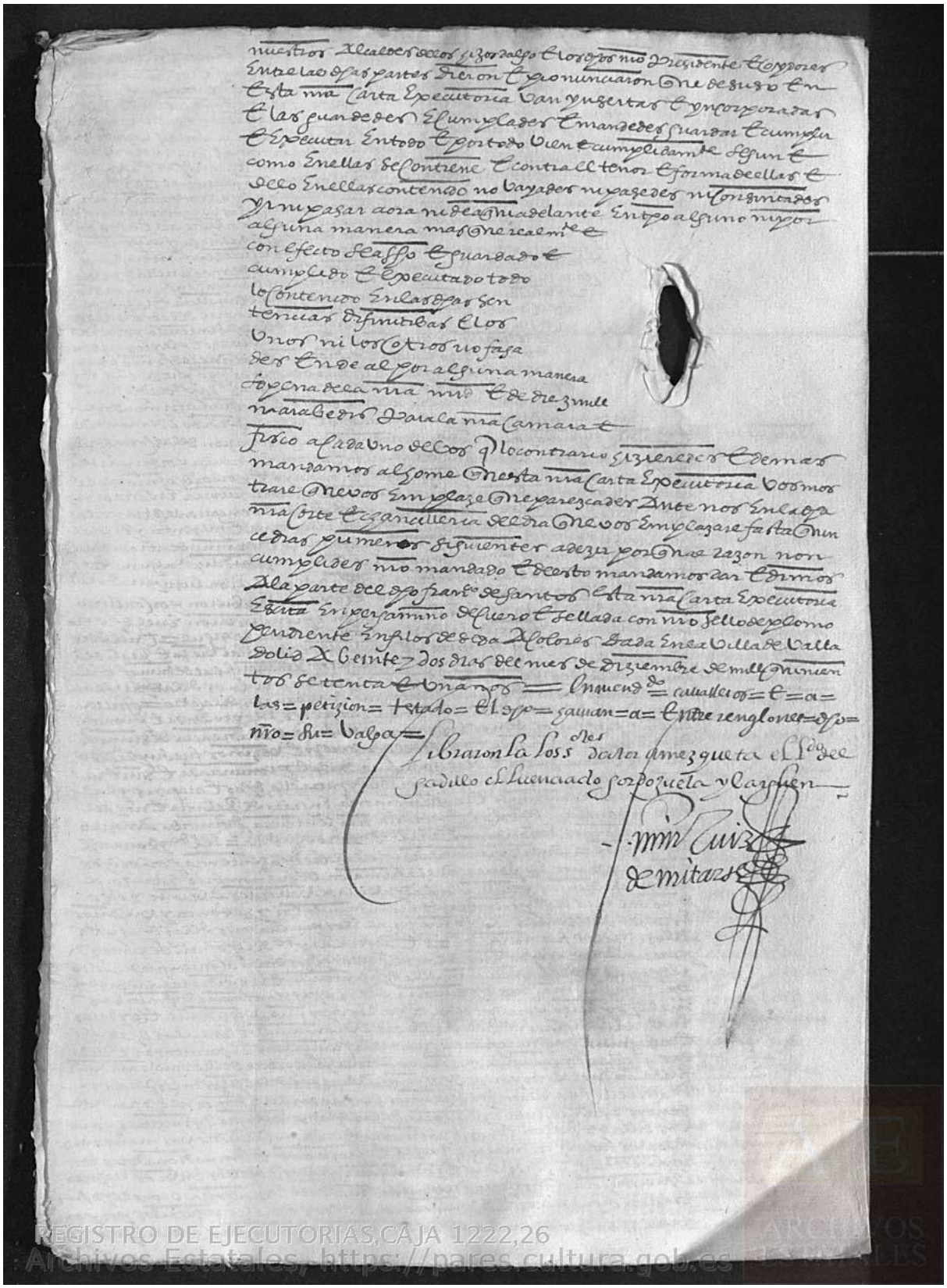


Fig. 2 Folio containing the court's final ruling, declaring Francisco de Santos to be of noble birth and ordering the issuance of the Executive Letter. Key document that legally establishes his nobility. Archive of the Royal Chancery of Valladolid, 1571-12-22 p.13



REGISTRO DE EJECUTORIAS,CAJA 1222,26
Archivos Estatales, https://pares.cultura.gob.es

Fig. 3 Detail of the signatures authenticating the document, including the notary's signature, which validates the writ of execution. An essential element for the legal legitimacy of the file. Archive of the Royal Chancery of Valladolid, 1571-12-22 p.14

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